



Office of the Chairman

# National Transportation Safety Board

Washington, DC 20594

February 26, 2015

The Honorable Anthony Foxx  
Secretary  
US Department of Transportation  
Washington, DC 20590

Dear Secretary Foxx:

Thank you for the December 15, 2014, letter signed by Mr. Timothy P. Butters, Acting Administrator, Pipeline and Hazardous Materials Safety Administration (PHMSA), regarding Safety Recommendation R-14-14. We issued this recommendation to the US Department of Transportation on August 26, 2014, as a result of our investigation of the November 30, 2012, accident in which a Consolidated Rail Corporation train containing hazardous materials derailed, spilling vinyl chloride into Mantua Creek in Paulsboro, New Jersey.

## R-14-14

Require railroads transporting hazardous materials through communities to provide emergency responders and local and state emergency planning committees with current commodity flow data and assist with the development of emergency operations and response plans.

We understand that you are currently considering our September 26, 2014, comments to the docket for PHMSA's August 1, 2014, notice of proposed rulemaking, *Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains*. We believe that your considering options as you proceed with rulemaking is a positive step, as are your continuing efforts to reach out through the Transportation Community Awareness and Emergency Response (TRANSCAER<sup>®</sup>) program. However, you have indicated that both these efforts address the problem of transporting flammable liquids only, and not *all* hazardous materials as recommended. We emphasize that, to satisfy Safety Recommendation R-14-14, the rulemaking must apply to all classes of hazardous material. Therefore, pending your confirmation that rulemaking will address all hazardous materials, Safety Recommendation R-14-14 is classified "Open—Unacceptable Response."

Please provide further updates electronically at [correspondence@ntsb.gov](mailto:correspondence@ntsb.gov) regarding your progress in addressing this recommendation. Please do not submit both an electronic copy and a hard copy of the same response.

Thank you for your assistance.

Sincerely,

cc: Mr. Timothy P. Butters  
Acting Administrator  
Pipeline and Hazardous Materials  
Safety Administration

Ms. Barbara McCann  
Director  
Office of Safety, Energy, and  
Environment  
Office of the Under Secretary for Policy